

CLIFFORD MOORE,
Complainant,
VS.
DOROTHY MOORE,
Respondent.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.
NO. 3744

This cause coming on to be heard is submitted for decree upon the demurrer filed by the Respondent to the bill of complaint on behalf of the complainant, and the court, after considering the same, is of the opinion that the demurrer is not well taken and should be overruled.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the demurrer of the Respondent to the bill of complaint on behalf of the Complainant be, and the same is hereby overruled.

IT IS FURTHER ORDERED that the Respondent is allowed 20 days in which to file additional pleadings.

This 17th day of April, 1956.

Shelby W. Hall
Judge of the 28th Judicial Circuit

FILED
APR 18 1956
ALICE L. BECK, CLERK

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

June 20, 1956

Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Answer to Cross-Bill in the case of
Moore -vs- Moore, a copy of which has been sent to M r.
Wallace.

Yours very truly,



C. G. Chason

CGC:fm

encls. 1

cc: Mr. R. C. Wallace
Attorney at Law
LaFayette, Alabama

OFFICE IN
HIGHTOWER BLDG.

R. C. WALLACE
ATTORNEY AT LAW
LAFAYETTE, ALABAMA

May 3, 1956

Mrs. Alice J. Duck,
Register in Chancery,
Bay Minette, Alabama.

Dear Mrs. Duck:

I enclose herewith answer and cross bill of Dorothy
Moore, together with copy for complainant or his attorney.

Please file this and let me know when anything further
develops in this case.

Yours very truly,

R. C. Wallace
R. C. Wallace

CLIFTON MOORE,
Complainant,
VS.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.

NO. - 3744

DOROTHY MOORE,
Respondent.

This cause is, on the motion of the Complainant, set down for hearing on Friday, June 29th, 1956, at 9 A. M., at the Courthouse in Bay Minette, Alabama, at which time the parties are to take testimony and submit the cause for a final decree.

It is further ordered that notice be given to Hon. R. C. Wallace, Attorney, LaFayette, Alabama, Solicitor for the Respondent, and Hon. Cecil G. Chason, Attorney, Foley, Alabama, Solicitor for the Complainant.

Dated this 19th day of June, 1956.

Hubert M. Steel
Judge

FILED
JUN 20 1956
ALMA H. BUCK, Register

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

March 6, 1956

Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint in the Divorce
action of Moore -vs- Moore. Respondent's address is:
Fairfax, Alabama;

Yours very truly,



C. G. Chason

CGC:fm

encls. 2

CLIFFORD MOORE,
Complainant,
VS.
DOROTHY MOORE,
Respondent.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.
NO. 3744

This cause coming on to be heard is submitted for final decree upon the original bill of complaint, answer and cross bill, answer to cross bill and the testimony of witnesses taken ore tenus.

The Court, after considering the pleadings and the testimony is of the opinion that the Complainant is not entitled to a divorce as prayed for in his bill of Complaint.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bill of complaint on behalf of the Complainant be and the same is hereby dismissed.

The Court is of the opinion that the Respondent is entitled to the relief prayed for in her cross bill as to the custody of the minor children, and Attorney's fee, and considering the evidence and the agreement between the Solicitors representing the parties, ONE HUNDRED (\$100.00) DOLLARS is a reasonable fee to be allowed the Solicitors for the Respondent.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE Court that the Respondent is a suitable, fit and proper person, and she hereby is awarded the custody, care and control of the minor children, Dorothy Jean Moore and Aletha Ann More, subject to the right of reasonable visitation on the part of the Complainant, the father of said children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant pay to Hon. R. C. Wallace, of Lafayette, Chambers County, Alabama, the sum of ONE HUNDRED DOLLARS as a fee for representing the Respondent in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant pay the costs herein taxed, for which execution may herein issue.

This 3rd day of July, 1956.

FILED

JUL 3 1956

ALICE J. DUCK, Register

Hubert M. Hall

JUDGE, 28TH JUDICIAL CIRCUIT OF ALABAMA.

CLIFFORD MOORE)
Complainant)
VS.)
DOROTHY MOORE,)
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. No. 3744

In this cause it being made to appear to the Register that a demurrer filed by Dorothy Moore, the Respondent in said cause was overruled on the 17th day of April, 1956, and that she was allowed twenty days within which to plead further, and it further appearing to the Register that more than twenty days have elapsed since the rendition of said decree, and the Respondent not having filed any other answers, motions, or pleadings in said cause, it is,

NOW THEREFORE, on motion of the Complainant, ordered and decreed by the Register that the Bill of Complaint in this cause be, and it is hereby in all things taken as confessed against the said Dorothy Moore, the Respondent.

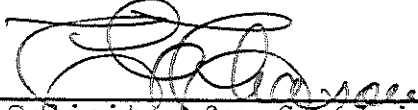
DONE this the 19 day of May, 1956.

W. J. Duck
Register

CLIFFORD MOORE
Complainant,
VS.
DOROTHY MOORE,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. No. 3744

Comes the Complainant in the above styled cause and moves for a Decree Pro Confesso against Dorothy Moore, the Respondent therein, and as grounds for said motion shows unto the Court that a demurrer filed by the Respondent was overruled on the 17th day of April, 1956 on which date a decree was rendered by the Honorable H. M. Hall, Judge of the Circuit Court, Sitting in Equity, which said decree allowed to the Respondent twenty days in which to file additional pleading, and whereas more than twenty days have elapsed since the rendition of this decree, and said Respondent having failed to plead further in this cause to this date.


Solicitor for Complainant

CLIFFORD MOORE,
COMPLAINANT,

VS.

DOROTHY MOORE,
RESPONDENT.

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)
)
)
)
)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes now the defendant, Dorothy Moore, and demurs to the bill of complaint on file in this cause and as grounds of demurrer assigns the following:

- 1. There is no equity in the bill.
- 2. The complaint fails to set ^{out} such facts as would give this court jurisdiction of the cause.
- 3. The complaint fails to set out where abandonment of the complainant took place if it happened at all.
- 4. The complaint fails to allege that abandonment of complainant by respondent was without fault, cause or consent on the part of respondent.
- 5. The complaint shows on its face that this Court does not have jurisdiction of this cause.

R.C. Wallace
solicitor for respondent.

CLIFFORD MOORE, COMPLAINANT, VS. DOROTHY MOORE, RESPONDENT.)))))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. CASE NO. 3744
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Comes the respondent, Dorothy Moore, respondent in the above styled cause and for answer to the complaint on file herein says:

1. She admits that the complainant is over twenty-one years of age; she neither admits nor denies that complainant is a bona fide resident citizen of Baldwin County, Alabama, for she does not know; she admits that she is a resident citizen of the State of Alabama and is over twenty-one years of age; she avers that she has never lived in Baldwin County, Alabama but is a resident citizen of Chambers County, Alabama.

2. She admits the allegations of section 2 of the bill.

3. She denies each and every allegation of section 3 of the bill of complaint; she avers that the complainant abandoned respondent's bed and board without any fault, cause or consent on her part; she further avers that the complainant filed a suit for divorce against her in Chambers County, Alabama in March, 1955 and that said suit is now pending on the docket in said County; she further avers that during the past twelve months the complainant has been contributing to her support and the support of their children.

4. She admits the allegations of section four of the bill and alleges that she is a fit and proper person to have the care, custody and control of said children.

5. She neither admits or denies the allegations of section 5 of the bill; she avers that for the past twelve months the respondent has been contributing by allotment check from the government more than one hundred dollars per month, for the support of said children.

6. Respondent avers that it has been necessary for her employ a solicitor to represent her and the interests of of her children in these proceedings and that she has employed R. C. Wallace, of the Chambers County Bar to represent her and that she is without

sufficient funds with which to pay him for his services in the premises; she alleges that she is entitled for this Court to determine a reasonable amount to be paid by the complainant to her for the services of her solicitor.

PREMISES CONSIDERED, respondent prays that this Court will take this answer as an answer and crossbill to the original bill of complaint and that the said Clifford Moore be made a party cross respondent to this cross bill and that process issue to him as such out of this Honorable Court requiring him to plead, answer or demur to same within the time required by law and under the rules of this Court; that upon a final hearing of the pleadings and proof may it please this Court to issue a decree denying the complainant and cross respondent the relief prayed, giving unto her the full custody and control of her said two children and determining a reasonable amount to be paid by the complainant and cross respondent to her for the services of her solicitor in this cause; she does not pray for a divorce from said Clifford Moore; that if she be mistaken in the relief prayed she prays for such other, further, general or special relief to which in equity she may be entitled, she will ever pray etc., etc.

R. C. Wallace

Solicitor for respondent and Cross
Complainant.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.

..... TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Dorothy Moore

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Dorothy Moore, Defendant

by Clifford Moore

....., Plaintiff

Witness my hand this 8th day of March 19 56

Herice J. Drake Clerk

BOOK
021 PAGE 287

BOOK 021 PAGE 288

CLIFFORD MOORE,
Complainant,
-vs-
DOROTHY MOORE,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:

Comes your Complainant, Clifford Moore, and files this his Bill of Complaint for Divorce against Dorothy Moore, and respectfully represents and shows unto your Honor:-

1. That the Complainant is over the age of twenty- one years and is a bona fide resident citizen of Baldwin County, Alabama, having been a bona fide resident citizen of this State for more than one year. That Dorothy Moore is a resident of the State of Alabama, and is over the age of twenty-one years.

2. That the Complainant and Respondent were married on, to-wit, December 3, 1951.

3. The Complainant further avers that the Respondent has voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of this Bill of Complaint, since which time Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

4. Complainant further shows to the Court that there was born of this marriage two children, namely, Dorothy Jean Moore, age three years, and Aletha Ann Moore, one year of age, who are in the care, custody and control of the Respondent.

5. Complainant further avers that he is financially able to pay the sum of Thirty Dollars (\$30.00) per month, per child, for the support and maintenance of the said minor children of this marriage.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Dorothy Moore be made a party defendant of this cause by the usual process of this Honorable Court, requiring her to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and pro-

c. g. c.

vided; that upon a final hearing of this cause that he be granted a divorce from the said Respondent, and that Respondent be granted custody and control of the minor children hereinabove named.

Complainant further prays that the payment of the sum of Thirty Dollars (\$30.00) per month, per child, for the maintenance and support of the said minor children be approved.

Should your Complainant be mistaken in the relief prayed for that he be granted such other, further, different and general relief to which he may be entitled and as in duty bound he will ever pray.



Solicitor for Complainant

BOOK 021 PAGE 283

3745

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }
Baldwin County.

Circuit Court, Baldwin County

No.

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon _____

Fred Gaubatz

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Fred Gaubatz, Defendant.....

by Lillian Evans Gaubatz

....., Plaintiff.....

Witness my hand this 8th day of March 19 56

Alice J. ... Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19__

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

_____ 19__

_____, Sheriff

I have executed this summons

this _____ 19__

by leaving a copy with

_____ Sheriff

_____ Deputy Sheriff

LILLIAN EVANS GAUBATZ)	
Complainant)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
FRED GAUBATZ)	IN EQUITY
Respondent)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your complainant, Lillian Evans Gaubatz, respectfully represents
and shows unto your Honor:

1. That the complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona fide resident for more than one year next preceding the filing of this bill of complaint; that Fred Gaubatz is over the age of twenty-one years, whose address is Rocky Mount, Virginia.
2. That your complainant and respondent were lawfully married on or about to-wit: February 14, 1932, in Detroit, Michigan, and of this marriage there is one minor son, Gerald, sixteen years of age, dependant upon the respondent.
3. Your complainant avers and charges that the said respondent did on or about the fifteenth day of December, 1955, and many times subsequent thereto assault, beat, hit and strike complainant; that said respondent has committed actual violence on her person attended with danger to her health or life; complainant avers and charges that respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her, she is reasonably convinced that he will commit an actual violence upon her person, attended with danger to her life or health.
4. Your complainant further avers and alleges that the said respondent has, since her said marriage with him, become addicted to habitual drunkenness, and that said habit has continued to the filing of this bill.
5. That on or about, to-wit: The 6th day of December, 1949, your complainant and respondent purchased the East One-half of the Northeast Quarter of the Northwest Quarter, Section 28, Township 7 South, Range 5 East in Baldwin County, Alabama, which property was conveyed to your complainant and respondent jointly; that your complainant obtained \$500.00 from your complainant's mother and father to make the down payment on the above described property and that your complainant and respondent executed a purchase money mortgage for \$4500.00 for the balance of the purchase price; that since that time your complainant has obtained from her parents the additional sum of \$600.00 to pay on the mortgage; that since the purchase of the property respondent has only paid approximately \$200.00 of the purchase price; that the payments on the mortgage are in arrears and that this property is the homestead of the complainant and respondent.
6. The complainant alleges and avers that the respondent without provocation abandoned your complainant and minor son on or about, to-wit: December 15, 1955; leaving the complainant without knowledge of his desertion, without means to pay considerable debts owing for food, utilities, furniture, medical care and clothing, and that since his leaving your complainant has not lived with or heard from the respondent nor has the respondent contributed or paid for the support and maintenance of your complainant and minor son since that time and it has

been necessary for your complainant to obtain help from neighbors, friends and relatives for her and her minor son's support and maintenance and to prevent the foreclosure of the mortgage and to prevent the loss of furniture.

7. Your complainant further avers that she has a serious illness and is unable to work; that your respondent is in good health and is a painter by trade whose income will exceed \$500.00 a month; that your complainant has no means of support; that your respondent has refused and failed to provide for the support and maintenance of your complainant and minor son; your complainant further avers that she is without means to pay her attorney for his services rendered and to be rendered in this suit.

The premises considered, your complainant makes the said Fred Gaubatz a party respondent to this bill of complaint, and in order that the complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Fred Gaubatz, commanding him to answer, plead or demur to this bill of complaint within the time required by law; and that on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from the respondent; granting to your complainant the permanent care, control and custody of their minor son, and permanent alimony and support and maintenance of \$250.00 per month and permanent attorney fees in the sum of \$500.00, granting your complainant the homestead in absolute, to sell and convey without the signature or permission of the respondent, and your complainant prays for such other, further or general relief to which she may be entitled.


Solicitor for the Complainant

3745
LILLIAN EVANS GAUBATZ
Complainant

VS.

FRED GAUBATZ
Resppdent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

MAR 8 1956

ALICE S. ADAMS, CLERK

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

Lillian Evans Garbaty
Vs.
Fred Garbaty

CIRCUIT COURT OF
Baldwin County.
IN EQUITY

In this cause it being made to appear to the Register that on the 9th
day of March, 1956, a copy of the Bill of Complaint filed in this cause was
sent to Fred Garbaty

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom
addressed," and return receipt demanded addressed to the Register of this Court; and that on the
16 day of March, 1956, such receipt was duly
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things
taken as confessed against the said Fred Garbaty
Defendant.

This the 21st day of April, 1956
Beise J. Duerksen Register.

No. 3745

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

Lillian Evans Garbatz

Vs.

Fred Garbatz

DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL

Filed in office this _____ day of _____, 19____, Register

Entered in O. B. _____ Page _____

LILLIAN EVANS GAUBATZ
Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

-vs-

IN EQUITY

FRED GAUBATZ
Respondent

This cause coming on to be heard was submitted for final decree upon the complainant's bill of complaint, upon the decree pro confesso and upon testimony of Lillian Gaubatz, Lena Evans and Arthur C. Epperson and the certificate of the Register and pleas and proof as noted by the Register. Upon consideration thereof, it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

FIRST: That the bonds of matrimony heretofore existing between the complainant and respondent are dissolved and the said Lillian Gaubatz is forever divorced from the said Fred Gaubatz.

SECOND: That the care, custody and control of the minor child of the marriage, namely Gerald Gaubatz, is awarded to the complainant Lillian Gaubatz, the mother of said child, with the right on the part of the respondent, the father of the said child, to visit said child at reasonable times and places.

THIRD: That the respondent Fred Gaubatz pay to the complainant for her support and for the support and maintenance of the said minor child, Gerald Gaubatz, the sum of \$250.00 a month beginning with the first day of June, 1956, and continuing until further orders of this Court.

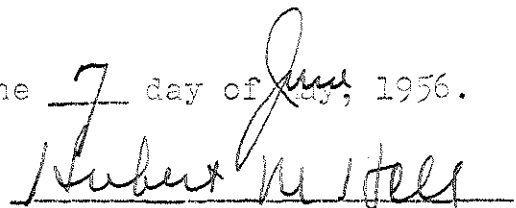
FOURTH: That the real property heretofore deeded to the complainant and respondent, being the East Half of the Northeast Quarter of the Northwest Quarter of Section 28, Township 7 South, Range 5 East of St. Stephen's Meridian in Baldwin County, Alabama, be vested in fee simple absolute in the complainant, Lillian Gaubatz, with no interest of any type or nature remaining in the respondent Fred Gaubatz.

FIFTH: That the respondent Fred Gaubatz pay to the complainant's attorney of record the sum of \$500.00 as permanent attorney fees.

SIXTH: That the costs of Court accrued herein be and the same hereby are taxed against the respondent, for the collection of which execution may issue, and if such execution is returned "no property found" then execution for costs may issue against the complainant.

SEVENTH: It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

Ordered and decreed, this the 7 day of June, 1956.


Circuit Judge
in Equity Sitting

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

LILLIAN EVANS GAUBATZ
Complainant

-vs-

FRED GAUBATZ
Respondent

DIVORCE DECREE

FILED
JUN 7 1956

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

8600 Motion for Decree Pro Confesso After Service by Registered Mail.

The State of Alabama,
Baldwin County.

No. CIRCUIT COURT, IN EQUITY.

J. ILLIAN EVANS GAUBATZ

Complainant

Vs.

FRED GAUBATZ

Defendant

Motion is hereby made for a Decree Pro Confesso against FRED GAUBATZ

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant....., and that said summons was duly served by Registered Mail, according to law, and that said Defendant.....has..... failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 20th day of April, 1956

Arthur C. Epperson

Solicitor.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT, IN EQUITY

LILLIAN EVANS GAUBATZ

Vs.

JERED GAUBATZ

MOTION FOR DECREE PRO CONFESSO
AFTER NOTICE BY REGISTERED MAIL

Filed 4-10, 1956

[Signature]
Register.

Recorded in Record,

Vol. Page

Register.

[Faint, illegible text from the reverse side of the page, including a date stamp 'APR 10 1956' and a signature.]

Lillian Evans Gaubatz)
Complainant)
VS.)
Fred Gaubatz)
Respondent)

IN THE CIRCUIT COURT OF
BALSWIN COUNTY, ALABAMA
IN EQUITY

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court, Arthur C. Epperson, Solicitor of Record for complainant in the above entitled cause, who being duly sworn, deposes and says that he is informed and verily believes that Fred Gaubatz, the respondent conceals himself so that process can not be served or is a non-resident of Alabama, and whose address is FRED GAUBATZ, Joe Gaubatz, ROCKY MOUNT, Virginia, and that respondent in the belief of the affiant is over the age of twenty-one years.

Arthur C. Epperson

Sworn to and subscribed before me, this the 8th day of March, 1956.

Alice J. Duck
Alice J. Duck, Clerk of the
Circuit Court

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT OF BALD-
WIN COUNTY, ALABAMA

IN EQUITY

LILLIAN EVANS GAUBATZ
Complainant

VS.

FRED GAUBATZ
Respondent

I, Virginia Hillhouse, as Register and Commissioner have called and caused to come before me Lillian Evans Gaubatz, Lena Evans, and Arthur C. Epperson, witnesses named in the Requirement for Oral Examination, on the 23rd day of May, 1956, at the office of Virginia Hillhouse in Foley, Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said Lillian Evans Gaubatz, Lena Evans and Arthur C. Epperson doth depose and say as follows:

My name is Lillian Evans Gaubatz. I am over the age of 21 years and have been a bona fide resident of Baldwin County, Alabama since 1948. Fred Gaubatz is over the age of 21 years and has been a resident of Baldwin County, Alabama since 1948 and until December of 1955 when he abandoned me.

I married Fred Gaubatz on February 14, 1932, in Detroit, Michigan. By our marriage we have several children but only one dependant upon Fred Gaubatz. He is Gerald Gaubatz who is 16 years of age and is residing with me.

On the 6th day of December, 1949, Fred Gaubatz and I purchased the East One Half of the North East Quarter of the North West Quarter of Section 23, Township 7 South, Range 5 East, in Baldwin County, Alabama. We purchased this property by making a down payment of \$500.00 which we borrowed from my parents, Joseph H. Evans and Lena Evans, and giving a note and purchase money mortgage for \$4500.00, the balance of the purchase price. Since we purchased this property, Fred Gaubatz has paid very little on the purchased property, in fact, he paid less than \$200.00. My parents have had to make the other payments to keep us from losing the property. Fred Gaubatz has not paid any of the money back to my parents.

Fred Gaubatz is a painter by trade and is capable, when employed, of making over \$125.00 a week. He is presently employed in Rocky Mount, Virginia, and is making over \$125.00. I have been very sick for several years and need constant medical attention. I need for my and our child's support, a minimum of \$250.00 a month.

I employed Arthur C. Epperson as my attorney to represent me in this divorce suit and to help me straighten out my financial affairs to prevent my from losing furniture and my home. I agreed to pay him as permanent attorney fees for representing me in this suit and handling other matters incidental thereto, the sum of \$500.00.

The last couple of years my husband has been drinking excessively and got progressively worse until he was drunk practically all the time. He was very mean and vile tempered with it. He became addicted to habitual drunkenness after our marriage which habit continued up through December 15, 1955, when he walked off from the house and did not return. He left me without any knowledge as to his leaving, what his intentions were, without any means of support, and heavy debts on furniture, house and for groceries.

Lillian Gaubatz

My name is Lena Evans. Lillian Evans Gaubatz is my daughter. She married Fred Gaubatz in Detroit, Michigan on February 14, 1932. I have resided with my daughter for the last year. I came down to live with her to help take care of her because of her physical condition and the ill treatment she was receiving from Fred Gaubatz. Since Lillian and Fred's marriage, Fred Gaubatz has become addicted to habitual drunkenness which habit continued up until the last time I saw him in December, 1955. My husband and I loaned my daughter and Fred Gaubatz \$500.00 in December of 1949 to make the down payment on the real property on which my daughter is now residing. We have loaned them an additional \$600.00 since then to make payments on the mortgage to prevent them from losing the place.

Lena Evans

My name is Arthur C. Epperson. I was retained by Mrs. Lillian Evans Gaubatz to represent her in obtaining a divorce from Fred Gaubatz in this action and to aid her in preventing the loss of her furniture and home. I have represented her in mortgage foreclosure brought about by the mortgagee in the mortgage executed by Mrs. Gaubatz and her husband Fred Gaubatz and numerous smaller transactions. Mrs. Gaubatz and I agreed on the sum of \$500.00 as a reasonable permanent attorney's fee for the services rendered and to be rendered which I feel Mr. Gaubatz should pay.

Arthur C. Epperson

I, Virginia Hillhouse, as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination were taken down by me in writing in the words of the witnesses and read over to them and they signed the same in the presence of myself, Virginia Hillhouse, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or in any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 23rd day of May, 1956.

Virginia Hillhouse (L.S.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

LILLIAN EVANS GAUBATZ
Complainant

-vs-

FRED GAUBATZ
Respondent

ORAL DEPOSITIONS

COMPLAINANT'S WITNESSES

FILED

MAY 23 1956

ALICE L. BROWN, Registrar

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

BILLIAN EVANS GAUBATZ

.vs.

FRED GAUBATZ

THE STATE OF ALABAMA
Baldwin County
IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____
affidavit of non-residence, affidavit of service by registered
mail, decree pro confesso, appointment of commissioner to take
deposition, oral deposition of complainant's witnesses

and in behalf of Defendant upon _____

Arthur C. Epperson
Solicitor for Complainant

Wesley J. Smith
Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

LILLIAN EVANS GAUBATZ

vs.

FRED GAUBATZ

NOTE OF TESTIMONY

Filed in Open Court this
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